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February 3, 1997

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FEB 3 - 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: Petition for Rulemaking Regarding
Radio Scanning Receivers

Dear Mr. Caton:

Attached herewith for filing with the Federal Communications Commission pursuant to Section 1.401 of the Commission's Rules is the Petition for Rulemaking of Uniden America Corporation (Uniden). By this Petition, Uniden seeks to have the Commission modify its rules to provide a standard image rejection ratio for frequencies assigned to the cellular telephone services that must be met by all scanners manufactured or marketed in the United States.

Due to the urgent nature of the relief requested, Uniden respectfully requests that the Commission release its Petition for Rulemaking for public comment as quickly as possible. In this way, the Commission may proceed expeditiously to the adoption of a rule which will stem the problems the petition is designed to address.

Sincerely,



Gregg P. Skall
Counsel to Uniden America Corporation

Enclosure

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEB 3 1997

In the Matter of)

)
Amendment of Part 15 of the)
Commission's Rules to Improve the)
Image Frequency Characteristics)
of Scanning Receivers in the Bands)
Associated with the Domestic Public)
Cellular Radio Telecommunications)
Service under Part 22)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

PETITION FOR RULEMAKING

INTRODUCTION

1. Uniden America Corporation (hereinafter "Uniden") pursuant to Section 1.401 of the Commission's Rules, 47 C.F.R. §1.401, 1995, respectfully petitions the Commission to change its current rules for scanning receivers by adding a receiver performance specification, known as the image frequency rejection ratio, to Section 15.121 of the Commission's Rules. This specification should be imposed upon the frequencies assigned to the Domestic Public Cellular Radio Telecommunications Service ("Cellular Band") under Part 22 of the Commission's Rules.

BACKGROUND

2. Along with its parent corporation and affiliate companies, Uniden manufactures and markets a broad line of communications equipment, such as professional land mobile, citizen band, marine radios as well as cordless and cellular telephones and many other consumer electronic devices. Among these are scanning receivers, commonly known as "scanners".

3. In the early days, monitor radios, the predecessor of scanners, were used by some hobbyists, but were for the most part used by volunteer firemen, wrecker service operators, news reporters, and off-duty public safety officers. Over the past few years, the use of scanners for recreational uses has grown substantially. For example, racing enthusiasts, aviation buffs, and people wanting "up to the minute" news of nearby emergencies all use scanners for legitimate and lawful purposes. In addition, scanners serve important public safety objectives. For example, scanners cover the National Oceanic and Atmospheric Association's (NOAA) public weather forecasts frequencies. Access to accurate and timely weather information is especially important during times of severe and rapidly changing weather conditions. Coupled with the features of an automatic weather alert, scanners have become an invaluable tool for the protection of life and property.

4. Recently, the news media have reported that users of scanners have been eavesdropping on the protected channels of the cellular bands. This illegal activity is prohibited under the Electronic Communications Privacy Act ("Act") which became effective in 1986. It should be pointed out that Uniden made a corporate decision at that time to deny access to those channels on all scanners manufactured after the enactment of the Act.

5. The Act alone was insufficient to deter this activity. In 1993, following enactment of the Telephone Disclosure and Dispute Resolution Act [Pub. L 102-556], the Commission issued a

Notice of Proposed Rulemaking ("NPRM") [ET Docket No. 93-1] to amend Parts 2 and 15 of its Rules by requiring manufacturers to eliminate the ability of tuning the cellular frequencies by a scanner. Additionally, the Commission required that scanners be designed so that the ability to operate in or tune to the cellular frequencies could not easily be restored. Uniden was one of the few manufacturers that supported this NPRM which eventually led to adoption of current rule Section 15.121.

6. Recently, another technique of eavesdropping on cellular telephone conversations has apparently gained popularity. Users are illegally, and in some cases innocently, monitoring the image frequencies of the prohibited cellular bands which are outside the "blocked" bands of the scanner and which are often used for other communications services. Compounding the problem, information about image frequencies has recently been found in on-line services on the Internet and elsewhere. Uniden does not support such misuse.

DISCUSSION

7. A detected image frequency is usually the undesired reception of a signal to which a radio receiver is not tuned. This is best illustrated by driving close to a broadcast station in an automobile and picking up the same station at several locations on the tuning dial. With a typical narrowband receiver, this phenomenon is usually not of much concern. A scanner, on the other hand, is a wideband receiver whose tuning range may extend from 30 MHz to more than 1 GHz. Even so, image rejection

tion capability has not been a matter of serious concern to the scanner industry until the recent reports of apparent misuse of these devices by tuning them to image frequencies. This has underscored the need for change in the Commission's Rules.

8. Uniden is proposing that the Commission adopt an amendment to Section 2.1033 of its Rules imposing a minimum -38 decibel (dB) image rejection ratio specification for those frequencies assigned to the cellular bands for all scanners. Furthermore, we are proposing a new requirement that all applications for equipment authorization (Certification) for scanners be accompanied by a circuit description and test data documenting compliance to the aforementioned -38 dB specification.

9. Uniden is proposing that the Commission require the use of known test procedures, such as those published by EIA, TIA, or IEEE, to be used in determining the image frequency rejection ratio. A description of the test procedure used must also be included with each application for equipment authorization. Finally, Uniden is proposing that ninety (90) days after the effective date of the rule change, all scanners manufactured or imported into the United States meet the requirements of the proposals detailed in this petition.

CONCLUSION

10. Uniden believes that the rule changes proposed in this petition will help solve the problem of illegal interception of and eavesdropping on cellular telephone conversations by users of scanners. We believe that these rules will be more effective

than previous methods in defeating the illegal use of lawfully manufactured and marketed scanners by a few users unaware of the rules or those deliberately misusing the device. We request the Commission to move expeditiously by issuing a Notice of Proposed Rulemaking with a tight timetable for comment, so that it may adopt the requested rule as quickly as possible.

Respectfully submitted,

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